

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

TAMARA GREEN, <i>et al.</i>)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 14-cv-30211-MGM
)	
WILLIAM H. COSBY, JR.,)	ORAL ARGUMENT REQUESTED
Defendant.)	
)	
)	

DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
AS TO COUNT I (Plaintiff Green)

Defendant William H. Cosby, Jr. ("Mr. Cosby") hereby moves this Court pursuant to Fed R. Civ. P. 12(b)(6) to dismiss Count I of the Amended Complaint asserted against Mr. Cosby by Plaintiff Tamara Green ("Plaintiff Green"). As set forth more fully in William H. Cosby Jr.'s Memorandum of Law In Support of His Motions to Dismiss filed herewith, the Grounds for this motion are that Count I fails to state a claim against Mr. Cosby for which relief may be granted because:

- Any claims based on the Washington Post Statement (filed as Exhibit B to the Declaration of Martin D. Singer) are barred by the statute of limitations;
- The Newsweek Statement (filed within Exhibit A to the Declaration of Martin D. Singer) and the Washington Post Statement are constitutionally protected opinions;
- The Newsweek Statement and the Washington Post Statement lack defamatory meaning;

- The Newsweek Statement and the Washington Post Statement are protected by the privilege of self-defense; and
- Plaintiff Green has failed to adequately plead that the persons who made the Newsweek Statement and the Washington Post Statement acted with fault.

REQUEST FOR ORAL ARGUMENT

Mr. Cosby believes that oral argument may be of assistance to the Court and hereby requests that the Court set a date for a hearing on this motion.

The Defendant,
William H. Cosby, Jr.
By His Attorneys:

PATTERSON BELKNAP WEBB & TYLER LLP

Dated: February 27, 2015

By: /s/ Robert P. LoBue
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CERTIFICATE OF SERVICE AND
COMPLIANCE WITH LOCAL RULE 7.1(2)

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), this 27 day of February, 2015. I further certify that Francis D. Dibble and I conferred with Plaintiffs' counsel Joseph Cammarata by telephone on February 20, 2015, and attempted in good faith to resolve and narrow the issues between the parties, but were unsuccessful.

/s/ Robert P. LoBue

Robert P. LoBue

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